

Message Text

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PAGE 01 BONN 04432 211012Z

17

ACTION EUR-25

INFO OCT-01 ISO-00 CIAE-00 DODE-00 NSAE-00 NSCE-00 SSO-00

USIE-00 INRE-00 PM-07 H-03 INR-10 L-03 NSC-07 PA-04

RSC-01 PRS-01 SPC-03 SS-20 NEA-10 TRSE-00 SAJ-01 IO-14

ACDA-19 SCA-01 DRC-01 /131 W
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O R 211001Z MAR 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 1204

INFO USMISSION BERLIN

USMISSION NATO BRUSSELS

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

C O N F I D E N T I A L BONN 04432

E.O. 11652: GDS

TAGS: PGOV, WB, GE, GW, US, FR, UK, UR

SUBJECT: NEW TEXT FOR ALLIED RESPONSE TO SOVIET PROTEST
ABOUT FRG LAW ON PRIVILEGES AND IMMUNITIES

REF: (A) STATE 54120; (B) BONN 4196

SUMMARY: AT MARCH 20 BONN GROUP MEETING, ALLIED AND FRG REPS AGREED ON NEW AD REFERENDUM TEXT OF ALLIED REPLY TO SOVIET PROTEST WHICH ALL BELIEVED THEIR AUTHORITIES COULD ACCEPT. NEW VERSION WAS NECESSITATED BY BRITISH OBJECTIONS TO EARLIER DRAFT (REF B). THERE WAS ALSO AGREEMENT ON THE TIMING AND MODALITIES OF ITS DELIVERY. END SUMMARY.

1. THE UK REP (CROMARTIE) REPORTED THAT FCO WISHED TO MAKE SEVERAL CHANGES IN TEXT WHICH HAD BEEN AGREED MARCH 15 (REF B, PARA 2). US, FRENCH AND FRG REPS ALL SAID THEIR AUTHORITIES HAD APPROVED EARLIER TEXT AND
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PAGE 02 BONN 04432 211012Z

WONDERED IF BRITISH COULD NOT ACCEPT IT. THIS,

CROMARTIE SAID, WOULD BE MOST DIFFICULT; HE DID, HOWEVER, AGREE TO DROP ALL BUT TWO ADDITIONS WHICH OTHERS BELIEVED THEIR AUTHORITIES COULD ACCEPT.

2. NEW TEXT FOLLOWS.

BEGIN TEXT: FEDERAL LAWS RELATING TO PRIVILEGES AND IMMUNITIES OF DIPLOMATS AND OTHERS WITH SIMILAR FUNCTIONS WHO ARE POSTED IN THE FEDERAL REPUBLIC OF GERMANY HAVE FOR MANY YEARS BEEN TAKEN OVER IN THE WESTERN SECTORS OF BERLIN IN ACCORDANCE WITH ESTABLISHED PROCEDURES, SUBJECT TO APPROPRIATE RESERVATIONS BY THE ALLIED KOMMANDATURA REGARDING, INTER ALIA, MATTERS OF STATUS. IN THIS CONNECTION I WOULD LIKE TO DRAW YOUR ATTENTION TO SUB-PARAGRAPH (D) OF THE LETTER OF 3 SEPTEMBER 1971 FROM THE THREE AMBASSADORS TO THE FEDERAL CHANCELLOR, WHICH WAS OFFICIALLY COMMUNICATED TO THE SOVIET AMBASSADOR BEFORE ITS DISPATCH. THE ALLIED AUTHORITIES DO NOT CONSIDER THAT THE TAKING OVER OF THE FEDERAL LAW ON THE PERMANENT REPRESENTATION OF THE GERMAN DEMOCRATIC REPUBLIC BY EXACTLY THE SAME PROCEDURE CAN BE REGARDED AS INCONSISTENT WITH THE QUADRIPARTITE AGREEMENT OR "ILLEGAL."
END TEXT.

3. CROMARTIE NOTED THAT FCO SIMPLY WANTED TO ADD

A) THE REFERENCE TO ESTABLISHED PROCEDURES IN FIRST SENTENCE ABOVE AND B) THE SECOND SENTENCE: HE SAID FCO WANTED TO BRING WHOLE DRAFT MORE SPECIFICALLY INTO LINE WITH THE LETTER OF THE THREE AMBASSADORS TO THE CHANCELLOR WHICH IT FELT HAD DIRECT BEARING ON CASE. COMMENT: IN APPROVING THIS TEXT, FONOFF REP (LUECKING) AGAIN STRESSED FRG DESIRE FOR FAST REPLY TO BELETSKIY. AS REPORTED EARLIER, WE SHARE THE VIEW THAT QUICK ACTION DESIRABLE, AND RECOMMEND DEPARTMENT APPROVAL FOR NEW TEXT.

4. ON TIMING AND MODALITIES, ALL AGREED CHAIRMEN (FRENCH) POLAD SHOULD MAKE APPROACH TO BELETSKIY AS SOON AS APPROVAL FROM ALL CAPITALS HAD BEEN RECEIVED, IF NECESSARY AS SOLE ITEM OF BUSINESS, AND LEAVE NON-PAPER BEHIND. ACTION REQUESTED: DEPARTMENT'S APPROVAL FOR NEW DRAFT.
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PAGE 03 BONN 04432 211012Z

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